

IEPA Log No.: **C-0067-15**
CoE appl. #: **2015-00123**

Public Notice Beginning Date: **August 21, 2015**
Public Notice Ending Date: **September 21, 2015**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Linden Woods Joint Venture, 9024 Deerwood Court, Palos Hills, IL 60465

Discharge Location: Section 32, T38N, R10E of the 3rd P.M. in DuPage County within Naperville

Name of Receiving Water: Unnamed tributary to West Branch DuPage River.

Project Description: Construction of a residential development.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment

Linden Woods Joint Venture – Unnamed Tributary to West Branch DuPage River – DuPage County

COE Log LRC-2015-00123 (Chicago District)

IEPA Log #C-0067-15

Contact: Eric Runkel (217) 558-2012

August 21, 2015

The Linden Woods Joint Venture (“Applicant”) is applying for a 401 water quality certification for impacts associated with development of a 3.0 acre property within the City of Naperville in DuPage County. Proposed construction will include six, three-unit townhouses, associated roadways, utilities, and two storm water management facilities. The proposed project will impact approximately 0.12 acres of stream through the encapsulation of an open system with 579 linear feet of 72 inch CMP bypass pipe. There were no wetlands identified on the project site.

Identification and Characterization of the Affected Water Body.

The project will affect an unnamed tributary (no Segment Code) of the West Branch DuPage River (Segment Code IL_GBK-02). The segment is considered a General Use waters, have zero cfs 7Q10 flows and a watershed approximately 0.31 square miles. The segment has not been listed in the Illinois Integrated Water Quality Report or 303(d) List 2014. Using the 2008 Illinois Department of Natural Resources Publication Integrating Multiple Taxa in Biological Stream Rating System, the segment is not listed as biologically significant streams nor received an integrity rating. The segment is not an enhanced water body pursuant to the dissolved oxygen water quality standard.

In northern Illinois, streams with less than one square mile of watershed are characterized as 7Q10 zero flow streams and are therefore expected to have at least seven continuous days of zero flow nine out of ten years. Since the watershed for the unnamed tributary did not exceed this threshold, the Agency did not require the applicant to complete additional characterization (biological, chemical or physical) of the water body.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would occur from this project include some possible increases in suspended solids during the construction of the project. Erosion control measures will be utilized to minimize any increase in suspended solids.

The project will eliminate approximately 0.12 acres of current habitat from the permanently impacted stream segment.

Fate and Effect of Parameters Proposed for Increased Loading.

To offset the loss of the 0.12 acres of open stream and riparian area, compensatory mitigation is proposed through purchase of 0.16 acres of certified credits from the Lily Cache Wetland Mitigation Bank within the Des Plaines River watershed. The ACOE will determine what is appropriate and practicable compensatory mitigation. Additionally, the applicant has proposed two naturalized detention basins with a 3-year native planting monitoring plan.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the proposed project is to construct an economically feasible luxury townhome development in accordance with all necessary requirements. The proposed land use is consistent with the recently constructed multifamily projects located directly north and south of the property.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

No-Build Alternative

Under the “No-Build Alternative”, the proposed improvements will not be constructed. The “No-Build Alternative” does not satisfy the project’s purpose and need. Therefore, this alternative was not considered further in the evaluation.

Build Alternatives

The applicant stated:

“Based on the project requirements and constraints of the property there are no practicable alternatives to the proposed development which meet the basic requirements of the project. The property cannot be developed if the Waters of the U.S. are not impacted.

Therefore, there are no practicable site alternatives that are feasible from both an engineering and economic perspective.”

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

An Eco-CAT endangered species consultation with Illinois Department of Natural Resources was submitted on July 15, 2015. In a correspondence dated July 15, 2015, IDNR stated that the project was not likely to have adverse impacts on threatened and endangered species and that the consultation was terminated.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the area at large by providing additional housing and support economic development. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.